IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 61 OF 2007
IN
LETTERS PATENT APPEAL (ST.) NO. 5894 OF 2007
IN
WRIT PETITION NO. 544 OF 2004

Mahadeo Manyaba Barge, since deceased, & Ors. ... Applicants

V/s.

Janabai Ramchandra Barge ... Respondent

Mr. Sachin Manale for the Applicants

Mr. Dilip Bodake for the Respondent.

CORAM: **J.N. PATEL AND A.A. SAYED, JJ.**

DATE: **SEPTEMBER 14, 2007**

P.C.:-

1. The only reason given by the applicants for not filing the Letters Patent Appeal within the stipulated period is that they came to know abut the impugned order only when they received the summons issued by the learned Civil Judge in Regular Darkhast No. 101 of 2006. It is not disputed that the applicants

were represented by an advocate when the matter was heard and disposed of. Further, applicant No. 1(a) is a very old lady, having no source of income. Therefore, there is delay of 209 days in filing the Letters Patent Appeal.

2. In our opinion, there is no good and sufficient reason to condone the delay. Therefore, we do not find any substance in the application. The same is dismissed.

3. The respondent is permitted to withdraw the sum of Rs.5,000/-, which has been deposited as litigation expenses.

J.N. PATEL, J.

A.A. SAYED, J.